

EXHIBIT 1

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

CORPORAL TRINIDAD NAVARRO,
Plaintiff,

v.

CHRISTOPHER A. COONS,
individually and in his official
capacity; GUY H. SAPP,
individually and in his official
capacity; and NEW CASTLE
COUNTY, a municipal corporation,
Defendants.

Civil Action No.
05-565 GMS

Deposition of CHRISTOPHER A. COONS taken
pursuant to notice at the offices of Margolis Edelstein,
1509 Gilpin Avenue, Wilmington, Delaware, beginning at
9:00 a.m. on Wednesday, May 31, 2006, before Anne L.
Adams, Registered Professional Reporter and Notary
Public.

APPEARANCES:

JEFFREY K. MARTIN, ESQ.
MARGOLIS EDELSTEIN
1509 Gilpin Avenue
Wilmington, Delaware 19806
for the Plaintiff,

JEFFREY S. GODDESS, ESQ.
ROSENTHAL, MONHAIT, GROSS & GODDESS
919 Market Street, Suite 1401
Wilmington, Delaware 19899-1070
for Defendants Coons and Sapp,

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1330 King Street - Wilmington, Delaware 19801
(302) 655-0477

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1 APPEARANCES CONTINUED....

2 MICHELLE ALLEN, ESQ.
3 JUDITH A. HILDICK, ESQ.
4 NEW CASTLE COUNTY LAW DEPARTMENT
5 87 Reads Way
6 New Castle, Delaware 19720
7 for New Castle County.

8 -----
9 CHRISTOPHER A. COONS,

10 the witness herein, having first been
11 duly sworn on oath, was examined and
12 testified as follows:

13 EXAMINATION

14 BY MR. MARTIN:

15 Q. Good morning. My name is Jeff Martin. I
16 represent Corporal Trinidad Navarro in an action that's
17 been filed in the U.S. District Court against you, Guy
18 Sapp and New Castle County. We're here this morning for
19 the purpose of taking your deposition. And I understand
20 that you have never been deposed before; is that correct?

21 A. That's correct.

22 Q. I just ask you to listen carefully to the
23 questions that I ask. My intent will be to ask one at a
24 time. If you don't understand the question, please, let
me know. I will be happy to rephrase it. If, however,
you do respond, I'm going to assume that your response is

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1 responsive to the question that I put before you. Okay?

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MR. GODDESS: Object. You are going to get
5 into an area of privilege.

6 MR. MARTIN: Well, I don't want to -- I'm
7 not going to inquire as to any attorney/client privileged
8 items that you may have reviewed, something that may have
9 been prepared for your attorney. But if it's not
10 otherwise privileged, I believe I have an opportunity to
11 ask you what it is that you reviewed.

12 MR. GODDESS: Go ahead.

13 THE WITNESS: Depositions.

14 BY MR. MARTIN:

15 Q. And what depositions did you review?

16 A. McAllister, McLaren, Levine.

17 Q. Did you review anything other than deposition
18 transcripts?

19 A. No. To be clear, I had conversations with my
20 attorneys but I didn't go back and -- no is sufficient.

21 Q. Okay. Fair enough. I appreciate that. What is
22 your understanding, if any, as to why the Corporal
23 Navarro was and has not been promoted to sergeant?

24 A. Could you rephrase the question? I think you are

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1 asking for a broad speculation.

2 Q. Well, in fact, one of the rules of the deposition
3 is I'm not going to ask for any type of speculation. If
4 you know, please, respond accordingly. If you do not
5 know, please, do not speculate or guess.

6 A. Then the simplest answer is I don't know.

7 Q. You don't know why Corporal Navarro has not been
8 promoted to sergeant?

9 A. I can't speak to why several chiefs did not
10 select.

11 Q. Do you know whether there has been any other
12 individuals other than police chiefs involved in that
13 promotion decision?

14 A. Yes.

15 Q. And who would the others be?

16 A. Senior staff.

17 Q. And when you are talking about senior staff, is
18 it senior staff of the New Castle County Police
19 Department?

20 A. Captains, majors, lieutenant, colonel.

21 Q. Would that also include the director of public
22 safety?

23 A. My general direction has been for the director of
24 public safety and the CAO to perform a cursory review of

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1 promotion decisions but not to be actively engaged in
2 that, that promotional decisions should be left to the
3 chief in the department.

4 Q. But at your direction, the CAO and director of
5 public safety do cursory reviews?

6 A. Yes.

7 Q. And that's at your instruction?

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8 A. Well, let me take a step back. My general
9 instruction to them with regards to the police department
10 back when I brought both of them on -- and they started
11 several months apart -- with regard to the department was
12 to leave operating issues as much as possible in the
13 hands of the department and its leadership but to provide
14 oversight to ensure that there weren't inappropriate
15 decisions being made on a whole range of issues, training
16 transfer, promotion, budgetary decisions.

17 So it's my general expectation that
18 operating decisions and decisions like promotions should
19 be led by or directed by the professional judgment of the
20 senior staff and the chief or acting chief.

21 Q. And this is something that you discussed with the
22 CAO and the director of public safety?

23 A. Briefly, yes.

24 Q. Is that memorialized in writing in any place?

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1 A. Not that I'm aware of. I didn't write them a
2 formal memo to that effect.

3 Q. As understood, I think the second part of your
4 response was with regard to oversight. You wanted to
5 make sure there weren't any problems in the training,
6 transfer or promotion area?

7 A. Correct.

8 Q. What type of problems, if that's the correct
9 term, are you concerned about?

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A. To put this in a broader context, when I was elected county executive, we had a police department that was in a very difficult situation. The last three chiefs had been indicted in the federal criminal process. There were lots of rumors flying around, internally and externally, about what had or had not happened. I think there were serious morale and leadership issues resulting from a prolonged federal investigation.

18 And I chose to bring in two people, my CAO,
19 David Singleton, and director of public safety, Guy Sapp,
20 who were new to county government, who had very
21 distinguished careers in other governments, both state
22 and city. And my general direction to them was this is
23 one area of our government that has been under intense
24 scrutiny, where there is a lot of internal conflict and

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1 where there is no certainty or clarity yet about what
2 happened and what didn't happen. And we won't know that
3 until after the federal criminal trial. So between now
4 and then and when I started in January of '05, we had
5 expected then would be October or so of '05 and now it's
6 delayed perhaps indefinitely.

7 Q. And when you talk about the federal criminal
8 trial, you are talking about the trial of Gordon and
9 Freebery?

10 A. Correct. So my general direction to them was
11 between now and when they began in early '05 and whenever

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12 those issues get resolved, do your best to apply your
13 professional judgment to a whole series of areas where
14 there has been allegations of inappropriate or
15 overreaching political interference in decision making.

16 I will point to one of many places that that
17 concern is rooted. The Southern Police Institute did a
18 review of the county department in 1999 that was based on
19 interviews with officers at all levels in the department.
20 And that concluded both that the department was
21 operationally strong, that the caliber of officers, their
22 training, education, equipment was quite strong, but at
23 all level officers pointed to pervasive, inappropriate
24 political activity and intervention in things such as

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1 training opportunities, promotion, budgetary decisions.

2 And so with that general context, I said to
3 these two gentlemen, come in and provide some oversight
4 and direction. Now, CAO Singleton had a much broader
5 range of issues to tackle. But that's partly why I also
6 moved to install a director of public safety who had a, I
7 think, well regarded character and strong career in both
8 city and state government.

9 Q. What was your CAO's background in police
10 functions?

11 A. He served as Director of Public Safety for the
12 City of Wilmington, I believe, under the McLaughlin
13 administration, but I may be wrong. But he had no direct

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14 experience as a police officer. Neither did I. And part
15 of the point of bringing in a director who was a career
16 police officer rather than a director from any of the
17 other public safety disciplines was to be able to rely on
18 Guy Sapp's independent judgment of what was and wasn't
19 going on in this department.

20 Q. You gave me a lot of areas I'm going to ask you
21 about. First of all, you talked about the last three
22 police chiefs having been indicted. To whom are you
23 referring?

24 A. I believe Sherry Freebery, Tom Gordon and Jack

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1 Cunningham.

2 Q. And as I think I understand your testimony, you
3 were concerned, in part, about political interference
4 within the police department.

5 A. Correct.

6 Q. And specifically, political interference with
7 regard to promotions.

8 MS. ALLEN: Objection. I object to the
9 form. I don't think he stated that.

10 BY MR. MARTIN:

11 Q. Well, okay. You may answer as best you can.

12 A. Promotions was one of several areas where there
13 had been allegations of persistent interference.

14 Q. And would you agree with me that politics should
15 play no role with regard to promotions within the police

16 department? 053106cc aa

17 A. You must have read several of my campaign
18 speeches. I agree.

19 Q. Now, with regard to this oversight function
20 performed by the CAO and the public safety -- and we are
21 abbreviating CAO for David Singleton and public safety
22 for Guy Sapp, correct?

23 A. Correct.

24 Q. What are their specific charges that you have

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1 given them in your discussion with them as to oversight
2 of the police department?

3 A. Director Sapp's charge was to provide general
4 oversight of the whole department. This is not just
5 police, I would remind you, but also EMS, 911 or the
6 emergency communications and the Office of Emergency
7 Management. It's a substantial department with roughly
8 600 full-time personnel and operating budget that's about
9 47 percent of our total 230 million dollar budget.

10 So Director Sapp's charge is a fairly broad
11 one, which was to ensure that they are meeting their
12 budgetary targets, that they are operating
13 professionally, that internal conflict within the senior
14 staff was managed and that the team was focused on
15 policing, within the police department, that the senior
16 leadership team of the department was focused on
17 policing, not on what I had perceived to be a recent

18 pattern of internal conflict. 053106cc aa

19 Q. When you say senior leadership, you are talking
20 about the senior staff now?

21 A. Yes.

22 Q. Sorry to interrupt you.

23 MR. GODDESS: Were you done with your
24 answer?

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1 THE WITNESS: Well, he had also asked about
2 CAO Singleton's general charge. And I will simply be
3 restating, I think, that my charge to him with regards to
4 the police department was to ensure that they were
5 meeting their budgetary obligations, operating
6 professionally, but that the details of operations and
7 execution were left to the senior staff.

8 BY MR. MARTIN:

9 Q. I'm going to try to understand the relationship
10 between the CAO and the director of public safety, if
11 any.

12 A. The director of --

13 MR. GODDESS: There was no question there.
14 I don't know if I'm objecting to you or my client here.

15 BY MR. MARTIN:

16 Q. Let me try that again. What relationship, if
17 any, is there between the CAO and the director of public
18 safety?

19 A. The director is one of the CAO's many direct

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20 reports. He meets with them weekly and reviews all
21 financial and operational issues that come up through him
22 through that chain of command.

23 Q. Does the director of public safety have any
24 authority independent of the CAO to make decisions within

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1 the New Castle County Police Department?

2 A. Yes, to the extent that every general manager has
3 the authority to make decisions within their department,
4 but not in contradiction of general direction offered by
5 the CAO.

6 Q. In other words, though, does he have authority to
7 make a decision, I understand you said, it has to be
8 consistent with what the CAO has set forth, correct?

9 A. Correct.

10 Q. But does he have to go and get the blessing of
11 Mr. Singleton every time a decision is being considered?

12 A. He shouldn't.

13 Q. Should not. What is your understanding, if any,
14 as to what specific authority the director of public
15 safety has in terms of decisions that can be made
16 independent of the CAO but, of course, consistent with
17 the CAO?

18 MR. GODDESS: You are asking currently?

19 MR. MARTIN: Yes.

20 THE WITNESS: Perhaps you could clarify what
21 you are getting at.

22 BY MR. MARTIN: 053106cc aa

23 Q. I want to understand what you understand would be
24 the director's authority to make decisions independent of

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1 the CAO.

2 A. Independent of. Let me try again to see if I can
3 be helpful here. We've got general managers in every
4 department. The general managers I expect to work out
5 lots and lots of minor operating, budgetary,
6 interdepartmental issues without having to raise them all
7 the way up to the CAO and to me. So I could come up with
8 a dozen hypotheticals for you of things that I really
9 don't think should require the CAO's active knowledge or
10 involvement. I can't speak to how frequently Director
11 Sapp did or didn't, does or doesn't consult with the CAO.

12 I know that they meet weekly. The director,
13 for the last couple of months, has filed weekly reports
14 that are shared with all the general managers so that we
15 have a general sense -- all the general managers file
16 weekly reports that are internal updates on general
17 operating issues.

18 Q. You consider Director Sapp to be a general
19 manager, correct?

20 A. Correct.

21 Q. And he's a general manager of the --

22 A. Department of Public Safety.

23 Q. Which includes the police department, EMS --

24 A. Emergency communications and the Office of

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1 Emergency Management. There is essentially four chiefs
2 and four divisions beneath the director of public safety.

3 Q. And you said before that Mr. Singleton has a
4 number of direct reports. And I think you characterized
5 them all as general managers; is that fair to say?

6 A. Yes.

7 Q. Can you give me some idea as to what, how many
8 and what departments are involved?

9. A. The Department of Community Services, the
10 Department of Special Services, the Department of
11 Administrative Services, law, finance, human resources,
12 public safety. I suspect I've overlooked one.

13 MR. GODDESS: Don't look at me.

14 A. Did I say land use? Land use.

15 Q. What is your understanding as to the CAO's role
16 with regard to making decisions within the New Castle
17 County Police Department?

18 A. I expect the CAO's role in making decisions
19 within the police department to be very limited.

20 Q. very limited?

21 A. Uh-huh.

22 Q. Were you aware that Mr. Singleton rejected the
23 last group of promotions to sergeant within New Castle
24 County?

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1 A. That's not correct.

2 Q. That's not correct?

3 A. We had a specific discussion about that.

4 Q. Do you have an understanding that the promotions
5 that were made were at least initially rejected?

6 A. I don't believe that's correct. You are
7 referring to the most recent promotions?

8 Q. Yes. I believe there were approximately six.

9 A. I believe there were three promotions to
10 lieutenant and three promotions to sergeant. And I was
11 somewhat concerned that we follow my general direction
12 that those decisions that were made by the senior staff
13 and the acting chief not be changed by anyone in the
14 executive office or at the Government Center. There was
15 apparently about a week delay for when they were
16 finalized by the leadership of the police department and
17 when they were announced. And when I inquired as to what
18 the delay was, the chief human resources officer had
19 apparently looked at the list and said there needs to be
20 some more detailed internal documentation on your
21 decision-making process.

22 When I was given her explanation for that, I
23 understood she was simply trying to do her job to ensure
24 that the promotional decision, given the promotion

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1 decision seemed to produce litigation with some frequency
2 in the police context, were appropriately and thoroughly
3 documented. But I have been assured that that list was
4 not changed.

5 Q. What was your understanding, if any, as to the
6 role of senior staff before your administration in terms
7 of making promotions within the police department?

8 A. I have been told -- but I don't know how correct
9 this is -- that they were minimally involved if at all,
10 that police promotions were handled almost entirely by
11 the chief in consultation with the CAO.

12 Q. And that was your understanding that the chief
13 had to get clearance from the CAO before your
14 administration?

15 A. That's my understanding. And so to that point,
16 it was exactly because I am trying to set a different
17 course and direction in terms of involvement in the
18 details of operations of departments. That's why I was
19 clear about the details of the most recent list. I had
20 directed the CAO to be minimally involved in that.

21 Q. Was it changed during your administration in
22 terms of the role of the senior staff with regard to
23 promotions?

24 A. Well, I think it's important for the

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1 promotions -- there is a whole series of processes in our
2 police department. The selection of folks for training
3 opportunities, the selection of folks for promotion,
4 decisions about transfers, take-home cars, that in my
5 view should be made based on merit and professional
6 concerns rather than friendships or politics.

7 And so you invested a fair amount of money
8 in bringing in both the IACP and PERF, International
9 Association of Chiefs of Police and the Police Executive
10 Research Forum, to look at deployment within the
11 department, to look at the promotional process, to look
12 at the testing process, and to put in place a process,
13 particularly this most recent sergeant and lieutenant
14 testing process, an oral board that is as independent of
15 political or personal concerns as is possible.

16 Q. Was there a specific guideline and direction that
17 you followed in order to have the senior staff involved
18 in promotions? For instance, you mentioned PERF. And I
19 have the most recent PERF report. And I was going to ask
20 you about that in a few minutes.

21 Did you get any guidance from that
22 organization or any other organization in terms of
23 involving the senior staff with the promotions rather
24 than the, what you acknowledge was the previous matter,

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1 and that was the involvement almost exclusively of the
2 police chief and, perhaps, with the CAO. And I'm
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3 wondering what prompted that change, if any.

4 A. Frankly, that was a suggestion by acting chief
5 McLaren is my understanding. But it also strikes me as
6 common sense that one of the challenges the police
7 department faced in 2004, early 2005 was a senior staff
8 that had not been and actively engaged in making policy
9 decisions and that was not acting as a team. I was
10 aware, as I think was everybody in the police community,
11 that there were some fairly intense divisions in the
12 senior leadership team in our department. And involving
13 them in at least making recommendations about and giving
14 input on important decisions for the future of the
15 department is a critical strategy for building any sense
16 of ownership in the future direction of the department.
17 So it didn't require a professional study to give that
18 input.

19 Q. You mentioned a PERF. You are aware of the
20 recent study completed by PERF; is that correct?

21 A. Yes.

22 Q. And is that something that you requested in your
23 capacity as county executive?

24 A. Yes.

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1 Q. And were you aware that the analysis that was
2 done by way of the report dated April 7, 2006, indicated
3 that there were at least several sergeant positions that
4 were not filled?

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5 A. I don't specifically recall that. I did not
6 review that report in advance of today's deposition.

7 Q. So you don't remember one way or another as to
8 whether --

9 A. No.

10 Q. The report says what it says. And I'm not sure
11 we need to go through that?

12 A. To give you some general context on the report,
13 the tough situation we faced was having an ongoing budget
14 deficit. And we were looking for outside professional
15 advice on how to ensure that we were moving as many
16 officers on the street and to patrol as possible. Those
17 are always contentious decisions in a department. My
18 understanding was the director and acting chief thought
19 this was a good path forward for helping make that
20 decision.

21 Q. The PERF study?

22 A. Yes.

23 Q. Speaking of staffing, what is your understanding,
24 if any, as to the staffing of the New Castle County

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1 Police Department since July 1 of last year?

2 MR. GODDESS: Objection. That's too vague
3 for a fair answer.

4 MR. MARTIN: You may answer.

5 MR. GODDESS: What is your impression of
6 staffing; that's the question?

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7 MR. MARTIN: Yeah. You can interpose an
8 objection, but that doesn't take him off the hook in
9 terms of providing a response.

10 THE WITNESS: Are you asking about the
11 adequacy of staffing levels?

12 BY MR. MARTIN:

13 Q. Yes, sir.

14 A. Or quality and caliber of the staff?

15 Q. No, the accuracy of the numbers of officers out
16 on the street.

17 A. There have been consistent concerns expressed by
18 the general populous and by my senior leadership team and
19 by me about the number of officers that we are able to
20 put on patrol in response to calls for service.

21 Q. Okay. Are you aware, for example, that since
22 July 1 of last year the police department lost 19
23 officers?

24 A. Yes.

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1 Q. And that was addressed somewhat in December, was
2 it not, with regard to seven officers being appointed?

3 A. Yes. You are referring to the so-called ready
4 cop class?

5 Q. Yes.

6 A. That's partly why we adopted that approach was to
7 meet some of the hard vacancies.

8 Q. Let me ask you some specific questions about the
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9 complaint. I'll give you a copy. It was marked during
10 Corporal Navarro's deposition as Navarro 1. Let me
11 direct your attention to Paragraph 10. That first
12 sentence referring to the New Castle County police
13 directives, are you familiar with the New Castle County
14 police directives?

15 A. Not specifically, no.

16 Q. Was it your understanding that the chief of
17 police has the discretion to choose whomever he or she
18 desires for promotion as long as that officer is ranked
19 as one of the top five officers in the listing?

20 A. That's what this states, the document that's in
21 front of me, that's correct.

22 Q. Well, wait a minute. To be fair, this is a
23 complaint. And I don't ask you to accept anything on its
24 face. I'm asking if you have knowledge.

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1 A. It is my general understanding that the
2 established practice of the New Castle County merit
3 system is that each of the general managers, which at
4 that point included the chief of police, has the
5 opportunity to select any one of the top five ranked
6 candidates in a certified list merit system promotion
7 process, yes.

8 Q. Now, you just referred to the chief of police as
9 a general manager. Is that your understanding of the
10 current situation with the chief of police or the acting

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11 chief of police?

12 A. I believe the acting chief or chief still retains
13 this ability, meaning the capacity to choose from among
14 the top five in a certified list, yes.

15 Q. And as we understood from your earlier testimony,
16 that selection process would be subject to approval of
17 the director and the CAO; is that fair to say?

18 A. Restate.

19 Q. You agreed that the chief of police has the
20 authority to promote someone to the top of the list, the
21 certified listing that is available, correct?

22 A. Yes.

23 Q. Is it my understanding that the selection of the
24 candidate or candidates, in plural, to be promoted would

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1 be subject to the approval then of the director and the
2 CAO?

3 A. My sense is that any promotion such as this is
4 subject to review by whomever is above them in our chain,
5 whether it's the CAO or general manager, for compliance
6 with budgetary restrictions or for general
7 appropriateness in terms of not violating any
8 constitutional protections. But it should not be subject
9 to the specific approval, if that's what you are asking,
10 of the CAO.

11 Q. You are distinguishing specific approval versus
12 kind of a veto power?

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13 A. That's correct. Let's take a different
14 department. If another general manager came in and said
15 I have submitted a requisition. You've released. I have
16 gone through merit process. Here's my selection for the
17 new assistant county engineer. It is not my expectation
18 that the CAO gets involved in reading individual reports,
19 looking at the resumes, getting into the background. His
20 role simply is to review and say, actually, no, you do
21 not have the budget authority for another position here
22 or there seems to be some obvious problem. You had four
23 candidates who happened to be females and you chose the
24 fifth that happens to be male in a department where there

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1 no females in senior leadership. Could you, please,
2 articulate a reason why you did that. Those are the sort
3 of oversight questions I would expect the CAO to be
4 asking about the promotion process. I would not expect
5 him to be involved in any of the details of a promotional
6 decision way down in a department.

7 Q. Okay. And while we were on that topic, does the
8 CAO got involved in the promotions of the other
9 departments that you set forth?

10 A. Only in the way I just described. Lots and lots
11 of documents come through the CAO for review. But that's
12 mostly for signature. For example, on a weekly basis, I
13 sign -- yes, I'm making a gesture -- I sign a stack of
14 documents that's six inches high from every department

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15 for all sorts of things, grant funding for police
16 functions, sewer agreements, land development, record
17 plans, all sorts of different documents. Every one that
18 comes to me for signature has gone through the CAO for
19 his review.

20 But in almost every case, that simply means
21 his non-objection. He's aware that this is in process.
22 But he is not going into and reviewing the details of
23 every single financial transfer, contract, agreement or
24 grant. That's in the nature of any large bureaucratic

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1 organization.

2 Q. What is your understanding as to the extent of
3 your CAO's involvement in the police promotional system?

4 A. My understanding is it's fairly minimal.

5 Q. Do you know whether the CAO has access to the
6 personnel files of those candidates who were seeking
7 promotion?

8 A. I don't know that. I would assume if he
9 requested it, he would. But I don't know why he would be
10 requesting that.

11 Q. Do you have any idea whether he reviews the
12 personnel files?

13 A. I don't.

14 Q. Now, a moment ago I think you characterized the
15 chief of police as being a general manager. Is that your
16 current thinking about the role of the chief of police or

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17 the acting chief of police?

18 A. No. The director is the general manager.

19 Q. When did that role change?

20 A. I don't recall the specific date.

21 Q. Was that by way of county ordinance?

22 A. Yes.

23 Q. And what is your understanding as to that county
24 ordinance?

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1 A. That it clarified that the existing position of
2 director of public safety had oversight of the department
3 of police, EMS, emergency communications and emergency
4 management, and that each of those four departments were,
5 essentially, on an equal footing as direct reports to the
6 director of public safety.

7 Under the previous administration, the
8 position of director of public safety had been eliminated
9 for, I think, roughly six years. And the chief of police
10 made the head of the overall department of public safety
11 and the head of EMS, 911 and OEMS made to report to the
12 chief. Before the end of the Gordon administration, they
13 had reinstalled the position of director of public safety
14 but did not fill it. This ordinance was simply
15 clarifying that we were restoring the previous alignment
16 of the department.

17 Q. Do you have any understanding as to whether your
18 CAO objected to the promotion of Corporal Navarro?

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5 underway. I got some calls from members of the general
6 assembly saying they had been contacted by a lobbyist who
7 had been retained by our chief.

8 Q. And this is before you took office as county
9 executive?

10 A. No. This would have been, I think, in January.

11 Q. I want to talk a little bit about your
12 relationship with Chief McAllister. How did you feel
13 about Chief McAllister when you took office in January of
14 2005?

15 MS. ALLEN: Jeff, I'm just going to object
16 and we can, actually, go off the record if you want.

17 (Thereupon, a discussion was had off the
18 record.)

19 THE WITNESS: I can provide a general answer
20 to the question without -- feel free to caution me. I
21 have done my level best to observe that agreement and to
22 not engage in anything that could be misunderstood as
23 disparaging.

24 Chief McAllister and I had met both while I

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1 was council president and, I believe, once when I was
2 executive. And I tried, as I did with other general
3 managers, to set a general tone. While I was council
4 president, he had undertaken a couple of initiatives I
5 thought were very positive and I complimented him on,
6 particularly with regard to diversity and Spanish

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7 language training, release of data to the public through
8 the internet. There were a couple of things that he
9 wanted to undertake that I supported.
10 But there were also some general concerns
11 about the police department which I think I laid out
12 previously. I will go back to one of the first things I
13 said in this deposition, which was my objective in
14 bringing CAO Singleton and Director Sapp was to have
15 folks who had not been involved in the previous couple of
16 years of conflict and controversy in the county who had
17 strong professional experience and reputations to look at
18 every one of the general managers and departments, in CAO
19 Singleton's case, and give them a fair review of their
20 performance, their capacities, their operations so that
21 any decisions going forward about the government wouldn't
22 be, would be fair, would be based on a sort of non
23 personal reassessment of the strengths and the skills of
24 the general managers.

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1 BY MR. MARTIN:
2 Q. Well, I appreciate that explanation. Let me go
3 back to the complaint and pick up where I left off with
4 regard to the Delaware Today article. Did you or anyone
5 in the administration attempt to stop the publication of
6 that article?
7 A. No.
8 Q. Now, with regard to your relationship with

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9 Miss Levine, she had been your PIO for what period of
10 time?

11 A. I don't recall exactly what her start date was.
12 I think it was March of '05. She came in later in the
13 formation of my senior team. Rich Przywarea had been my
14 chief of staff from the outset and had led the transition
15 process of hiring senior folks. David, I believe, was on
16 board in January. My recollection is Allison started,
17 was one of the later folks to get underway, probably mid
18 March, late March perhaps.

19 Q. You just referred to your transition team; is
20 that correct?

21 A. Uh-huh.

22 Q. How many people did you have --

23 A. Yes, I should say.

24 Q. How many people did you have on your transition

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1 team?

2 A. Over 70.

3 Q. I won't ask you to list them then. You said you
4 brought David Singleton in in January?

5 A. Yes. Freed Sears and Lisa Blunt Bradley
6 cochaired the transition effort and helped with the
7 selection of senior folks such as David.

8 Q. And how about David Baylor, was he on your
9 transition team as well?

10 A. He served on one of the committees. I believe it

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2 treated with respect. And I simply asked whether she had
3 any concerns or had felt she was the subject of any
4 inappropriate comments or commentary.

5 Q. Did you mention Navarro's name?

6 A. I don't recall whether I did at that point.

7 Q. But you did at some subsequent point?

8 A. I, at some point, said that a friend within the
9 department had made a comment that she, perhaps, should
10 be mindful that she had friendships that people might try
11 to press beyond a professional limit. She reassured me
12 that she felt comfortable that she could handle that.
13 That was something she was fully aware of and capable of
14 managing appropriately. I said great. I just wanted to
15 give you the opportunity to raise it if you had any
16 discomfort.

17 Q. Was she referring to Trinidad Navarro?

18 A. At some point she had said they were friends and
19 had known each other for a long time and she felt
20 comfortable that it was a friendship that she understood.

21 Q. Was there any suggestion that this matter should
22 be investigated by internal affairs?

23 A. No, not that I recall.

24 Q. Did you and Director Sapp develop a program

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1 called Crime Mapping?

2 A. Not specifically Director Sapp and I. I don't
3 want to take credit for others' work. It is something

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4 that I have encouraged and supported. But there is, most
5 of the work of developing and rolling out Crime Mapping
6 was done by people within information services and the
7 police department.

8 Q. I think recently in one of your public addresses
9 you acknowledged that you were approving 10 new positions
10 for the police department?

11 A. I don't think that's quite accurate. And we have
12 struggled to communicate this accurately to the public.
13 I'll give an expansive answer if I might. I'm looking to
14 counsel. Because this has come up several times.

15 I have acknowledged previously that we have
16 had a challenge as a government, in my view, in both
17 balancing our books, dealing with our ongoing financial
18 challenges, and putting the number of police in service
19 that I think our public expects and needs. Getting the
20 PERF deployment study was a piece of answering the
21 question, are we using the sworn officers we have as
22 effectively as possible to deliver service to the public?

23 This year's budget we committed to putting
24 ten more police on the street. But that is a mix of five

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1 new sworn officer positions, three civilian positions
2 that should allow the deployment to the street of sworn
3 officers, and two grant funded officers I believe.

4 Q. Are these actually --

5 A. So I believe our authorized strength increases by

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6 just five.

7 Q. And you will need budget approval from council
8 for that?

9 A. We have received approval in the passage in the
10 annual budget.

11 MR. MARTIN: why don't we take a few minutes
12 and I'm going to look through here and see if there are
13 any other areas.

14 (Thereupon, a short recess was had.)

15 BY MR. MARTIN:

16 Q. Just a few more questions. First of all, let me
17 ask you to characterize your relationship with Lieutenant
18 Dru Outten.

19 A. Lieutenant Outten has been a friend probably
20 eight to ten years.

21 Q. Are you social friends?

22 A. Yes.

23 Q. So you have had dinner together before?

24 A. On a few occasions. To be specific, when I met

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1 my now wife, she was roommates with Mary Outten, who is
2 now Dru's wife. They were both single at the time. So
3 we got to know each other sort of in passing because we
4 were both in the same house on a few occasions. I think
5 they stopped living together within a matter of a few
6 months and we've stayed in occasional contact since then.

7 Q. Now, your professional relationship with

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8 Miss Levine ended sometime in August of '05; is that
9 correct?

10 A. Correct.

11 Q. And what were the circumstances of that
12 termination?

13 A. Technically, it was a resignation. But, again,
14 to answer the question a little more broadly, I thought
15 Allison had done a great job and I enjoyed working with
16 her. She had a good sense of humor and good work ethic.
17 I was very surprised at the allegations raised in this
18 complaint and was initially hopeful that, in some way,
19 this was a misunderstanding. As she put it, her quotes
20 were taken wildly out of context.

21 But as several folks, CAO Singleton and the
22 county attorney and I spoke with her about this in some
23 detail, I, with genuine regret, reached the conclusion
24 that she'd shown some real errors in judgment and that

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1 really the only appropriate path for her was to ask for
2 her resignation.

3 MR. MARTIN: Thank you. That's all the
4 questions I have.

5 EXAMINATION

6 BY MR. GODDESS:

7 Q. Chris, there was a PIO retreat in May and you
8 said you gave opening remarks.

9 A. I know I gave opening remarks to a PIO retreat.
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10 I don't recall if it was specifically in May. I think
11 Allison had more than one. But there was one that I came
12 to just to try to give a general tenure, here is where we
13 are going as a government. My comments were, generally,
14 similar to the things I said in my speech upon being
15 sworn in, which was teamwork, positive atmosphere, let's
16 move forward.

17 Q. The one I'm referring, at least by the agenda,
18 was held in the Bear Library. Does that help?

19 A. Oh, then I did not attend that. There was a
20 meeting in the HR Conference Room of PIO's that I
21 attended.

22 Q. Did you attend the whole meeting?

23 A. No.

24 Q. Or just at the start?

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1 A. Maybe the opening half an hour I think.

2 MR. GODDESS: That's all. Thanks.

3 MR. MARTIN: Any questions?

4 MS. ALLEN: No.

5 MR. MARTIN: Read and sign?

6 MR. GODDESS: You have the opportunity to
7 read this transcript, basically, for accuracy of what the
8 reporter is doing but also a chance to review if you
9 grossly misstated something, not to make wholesale
10 changes, or to just waive the reading and signing of the
11 deposition transcript assuming it's basically accurate,
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